

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



THURSDAY, JANUARY 27, 2022.

[10]*

JOURNAL OF THE HOUSE.

Thursday, January 27, 2022.

Met according to adjournment at eleven o'clock A.M., under emergency rules, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Special Recognition.

During the session, Ms. Balser of Newton took the Chair, declared a brief recess and paid tribute to International Holocaust Remembrance Day, as follows:

January 27, 1945 marked the liberation of Auschwitz-Birkenau, the largest Nazi death camp. In 2005, the United Nations General Assembly designed January 27th as International Holocaust Remembrance Day.

International
Holocaust
Remembrance
Day.

On behalf of the House on this International Remembrance Day will the member and employees please stand in a moment of silence to the six million victims of the Nazis between 1933 and 1945. We stand in silent tribute for the victims on this day of remembrance.

Silent Prayer.

Mr. Wagner of Chicopee being the Chair,— At the request of Representative Rogers of Norwood, the members and employees stood for a moment of silent tribute in respect to the memory of Walter B. Rogers, age 90, of Walpole, formerly of Norwood, who passed away on January 1st.

Walter
Rogers.

Walter was a United States Army Korean War Veteran. He was the beloved husband of Ann McGrail Rogers for sixty-three years. Born in Quincy, Massachusetts, he was the son of Malcolm and Eileen Lordan Rogers.

Walter was Captain of his Varsity Football team at Boston Tech, a mathematics graduate of St. Michael's College, an engineering graduate of Rensselaer Polytechnic Institute, and Vice President of St. Catherine of Siena Home and School Association, where he founded the school's first athletics program. He co-founded the Summerhill House, a home for teenage mothers and their babies who had nowhere else to go. A member of the Norwood Knights of Columbus, Walter ran countless fundraisers for persons with developmental disabilities. He donated blood to the American Red Cross, every month.

In addition to his wife, Walter is survived by his children, Michael Rogers and his wife Robin of Wrentham, Eileen Murphy and her husband Thomas of Walpole, Paul Rogers and his wife Lisa of Cohasset, Peter Rogers and his wife Donna of Foxboro, John Rogers and his wife Brenda of Norwood, Julie Cooke and her husband Christopher of Wrentham, and Matthew Rogers and his wife Shannon of North Attleboro. Walter was a cherished grandfather of nineteen grandchildren.

In 1953, Walter first became eligible to vote. A proud Veteran, he believed in the American right to vote, but only equally as much as the American duty to vote. He never missed a vote in 70 years.

Messages from the Governor.

Mr. Donato of Medford being the Chair,—

A message from His Excellency the Governor submitting the annual budget of the Commonwealth for the fiscal year beginning July 1, 2023 (House, No. 2), was filed in the office of the Clerk on Wednesday, January 26.

General
Appropriation
Bill.

The message was read; and it was referred, under Rule 30, with the accompanying schedules, to the committee on Ways and Means.

A message from His Excellency the Governor recommending legislation relative to improving Massachusetts' competitiveness and reduce the cost of living (House, No. 4361), was filed in the office of the Clerk on Wednesday, January 26.

Taxes,—
policy.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Revenue. Sent to the Senate for concurrence.

A message from His Excellency the Governor recommending legislation relative to improving tax administration in the Commonwealth (House, No. 4362), was filed in the office of the Clerk on Wednesday, January 26.

Taxes,—
administration.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Revenue. Sent to the Senate for concurrence.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Representatives Kerans of Danvers and Jones of North Reading) recognizing Melissa Gaspar for her eleven years of outstanding service as Director of the Flint Public Library of Middleton; and

Melissa
Gaspar.

Resolutions (filed by Representatives Roy of Franklin and Murray of Milford) congratulating Benjamin Karl Hopke on receiving the Eagle Award of the Boy Scouts of America;

Benjamin
Hopke.

Mr. Galvin of Canton, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Sena of Acton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

By Representative Gordon of Bedford and Senator Barrett, a joint petition (subject to Joint Rule 12) of Kenneth I. Gordon and Michael J. Barrett for legislation to designate a certain bridge on Great Road in the town of Bedford as the Major Barry Allan Seidman, USAF memorial bridge.

Major
Seidman
bridge.

By Mr. Oliveira of Ludlow, a petition (subject to Joint Rule 12) of Jacob R. Oliveira and others that a portion of U.S. Route 20 between the city of Boston and the town of Hancock be designated as the Medal of Honor highway.

Medal of Honor highway.

Severally, under Rule 24, to the committee on Rules.

Paper from the Senate.

A petition of Paul R. Feeney for legislation relative to court officers injured on duty, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Court officers,—injuries.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2625) was referred, in concurrence, to the committee on Public Service.

Reports of a Committee.

By Mr. Straus of Mattapoissett, for the committee on Transportation, on a petition, a Bill [sic] special act funding a study of passenger service on the Housatonic rail line (House, No. 3571). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Housatonic rail line.

By Mr. Straus of Mattapoissett, for the committee on Transportation, on a petition, a Bill to enhance agricultural operations (House, No. 3409).

Farmers,—all-terrain vehicles.

By the same member, for the same committee, on a petition, a Bill relative to proactively protecting automotive drivers (House, No. 3430).

Licenses,—disabilities.

By the same member, for the same committee, on a petition, a Bill relative to low-speed vehicles (House, No. 3451).

Low-speed vehicles.

By the same member, for the same committee, on House, Nos. 3477, 3494 and 3573, a Bill relative to temporary registration plates (House, No. 3477).

Temporary registration plates.

By the same member, for the same committee, on a petition, a Bill relative to interstate highway noise abatement in certain cities and towns (House, No. 3481).

Highway noise study.

By the same member, for the same committee, on House Nos. 3453 and 3535, a Bill allowing for partial payment of fines relating to driver's license suspension or revocation (House, No. 3535).

License suspension,—partial payments.

By the same member, for the same committee, on a petition, a Bill to protect motorists from excessive EZ-Pass [sic] fees and fines (House, No. 3560).

E-ZPass,—fines.

By the same member, for the same committee, on a petition, a Bill relative to wrong-way driving (House, No. 3602).

Wrong-way driving.

By the same member, for the same committee, on a petition, a Bill relative to the Massachusetts Bay Transportation Authority (House, No. 3604).

MBTA,—retirement.

By the same member, for the same committee, on a petition, a Bill relative to maximizing resources for transportation (House, No. 3605).

Transportation,—fund transfers.

By the same member, for the same committee, on a petition, a Bill relative to license reinstatement fees for drivers without a conviction (House, No. 3617).

License reinstatement fees.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Straus of Mattapoissett, for the committee on Transportation, on a petition, a Bill relative to the expansion of bicycle lanes (House, No. 3506).

Bicycle lanes,—expansion.

By the same member, for the same committee, on a petition, a Bill protecting motorists and emergency personnel (House, No. 3519).

By the same member, for the same committee, on a petition, a Bill relative to expired licenses (House, No. 3534).

By the same member, for the same committee, on a petition, a Bill relative to drivers licenses for international students (House, No. 3576).

By the same member, for the same committee, on a petition, a Bill relative to speed limits (House, No. 3626).

By the same member, for the same committee, on a petition, a Bill regarding right of way violations (CeCelia's Law) (House, No. 3632).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Breakdown lanes.

Expired licenses.

International students.

Speed limits.

Rights of way,— violations.

Recess.

At seven minutes after eleven o'clock A.M., on motion of Mr. Wagner of Chicopee (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at seven minutes before two o'clock the House was called to order with Mr. Wagner in the Chair.

Recess.

Quorum.

As required under the provision of Emergency Rule 2(4), a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 157 members were recorded as being in attendance.

[See [Yea and Nay No. 129](#) in Supplement.]

Therefore a quorum was present.

Quorum,—
yea and nay
No.129.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain easement in the town of Savoy (see House, No. 4251) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 158 members voted in the affirmative and 0 in the negative.

[See [Yea and Nay No. 130](#) in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Savoy,—
land.

Bill enacted
(land taking),—
yea and nay
No. 130.

Orders.

The following order (filed by Mr. Finn of West Springfield) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Children, Families and Persons with Disabilities be granted until Thursday, June

Children, Families
and Persons with

2, 2022, within which time to make its final report on current House document numbered 256.

Mr. Galvin of Canton, for the committees on Rules, reported that the order (House, No. 4364) ought to be adopted. Under suspension of the rules, on motion of Mr. Finn, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Disabilities committee,—
extension
of time for
reporting.

The following order (filed by Mr. Finn of West Springfield) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Children, Families and Persons with Disabilities be granted until Monday, May 2, 2022, within which time to make its final report on current Senate documents numbered 88, 89, 103, 104, 113, 114, 117, 124, 134, 139 and 144, and House documents numbered 211, 218, 228, 234, 236, 240, 242, 268 and 272.

Children, Families
and Persons with
Disabilities
committee,—
extension
of time for
reporting.

Mr. Galvin of Canton, for the committees on Rules, reported that the order (House, No. 4365) ought to be adopted. Under suspension of the rules, on motion of Mr. Finn, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Ms. Ehrlich of Marblehead) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government be granted until Wednesday, March 16, 2022, within which time to make its final report on current Senate document numbered 2594, and House documents numbered 2130, 2209 and 4314.

Municipalities
and Regional
Government
committee,—
extension
of time for
reporting.

Mr. Galvin of Canton, for the committees on Rules, reported that the order (House, No. 4363) ought to be adopted. Under suspension of the rules, on motion of Mr. Arciero of Westford, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Orders of the Day.

The Senate Bill fostering voter opportunities, trust, equity and security (Senate, No. 2554, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Voting.

After debate on the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Jones of North Reading and other members of the House moved to amend it by adding the following section:

“SECTION 15. The House of Representatives shall request an opinion of the Honorable Justices of the Supreme Judicial Court concerning whether or not the provisions of this act raise constitutional issues. The provisions of this act shall not take effect until such opinion has been returned.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Jones; and on the roll call 30 members voted in the affirmative and 128 in the negative.

Amendment
rejected,—
yea and nay
No. 131.

[See [Yea and Nay No. 131](#) in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 10, the following seven sections:

“SECTION 10A. Section 8 of chapter 56 as appearing in the 2020 Official Edition is hereby amended by striking in line 13 the following: ‘ten’ and inserting in place thereof the following: ‘twenty’.

SECTION 10B. Section 26 of said chapter 56 is hereby amended by striking in line 10 the following: ‘ten’ and inserting in place thereof the following: ‘twenty’.

SECTION 10C. Section 27 of said chapter 56 is hereby amended by striking in line 5 the following: ‘ten’ and inserting in place thereof the following: ‘twenty’.

SECTION 10D. Section 27A of said chapter 56 is hereby amended by striking in line 5 the following: ‘ten’ and inserting in place thereof the following: ‘twenty’.

SECTION 10E. Section 28 of said chapter 56 is hereby amended by striking in line 5 the following: ‘ten’ and inserting in place thereof the following: ‘twenty’.

SECTION 10F. Said chapter 56 is hereby amended by inserting at the end thereof the following new section:

Section 70. Upon receiving credible information or a credible allegation that an individual or individuals engaged in any conduct in violation of this chapter, the attorney general or the district attorney having jurisdiction over the municipality in which the alleged conduct occurred shall investigate the merits of the information or allegation.

SECTION 10G. Said chapter 56 is hereby amended by inserting at the end thereof the following new section:

Section 71. Any person who is found to have conspired with one or more other persons to violate the provisions of chapters 50 through 56, respectively, in a systemic fashion shall be found guilty of conspiracy and punished by a fine of not less than five thousand dollars nor more than more than fifty thousand dollars or by imprisonment for not less than one year nor more than ten years, or both.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Ms. Ferguson of Holden; and on the roll call 32 members voted in the affirmative and 126 in the negative.

[See [Yea and Nay No. 132](#) in Supplement.]

Therefore the amendment was rejected.

Mr. Kelcourse of Amesbury and other members of the House then moved to amend the bill in section 4, in lines 126 to 150, inclusive, by striking out the text contained in those lines and inserting in place thereof the following:

“(2) Applications for early voting by mail shall be made available on the websites of the state secretary and the elections officers and registrars of every city or town.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 29 members voted in the affirmative and 129 in the negative.

[See [Yea and Nay No. 133](#) in Supplement.]

Therefore the amendment was rejected.

Representatives Miranda of Boston, Tyler of Boston and Ramos of Springfield then moved to amend the bill by inserting before section 1 the following section:

“SECTION A. Section 18 $\frac{3}{4}$ of chapter 6A of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out, at the end of subparagraph (i) of clause (12), the words ‘and (H) dates entering and exiting the jail or the date entering the department or house of correction custody, wrap-up release date and actual release date’ and inserting in place thereof the following words:- (H) dates entering and exiting the jail or the date entering the department or house of correction custody, wrap-up release date and actual release date; and (I) current status

Amendment
rejected,—
yea and nay
No. 132.

Amendment
rejected,—
yea and nay
No. 133.

and changes to the voter eligibility status of individuals incarcerated in a correctional facility.”;

By inserting after section 1 the following section:

“SECTION 1A. Chapter 51 of the General Laws, as so appearing, is hereby amended by inserting after section 4A the following section:

Section 4B. As part of the release process leading to the discharge of a person who has been disenfranchised due to a felony conviction, the correctional facility shall provide the person with a voter registration form and a declination form, and shall offer the person assistance in filling out the appropriate form. Unless the person declines to register to vote, the correctional facility shall provide the registrant with a postage guaranteed envelope or shall transmit the completed voter registration form to the city or town in the county where the registrant claims residence.”;

By striking out section 10 and inserting in place thereof the following three sections:

“SECTION 10. Said chapter 54 is hereby further amended by inserting after section 25B the following section:

Section 25C. (a) The officer in charge of a correctional facility, house of correction, jail, or department of youth services, in this section called hereinafter a facility, shall:

(i) Develop and publish policies and procedures that govern the facilitation of voting and voter registration for eligible voters in facilities; provided, that the policies and procedures shall include, but not be limited to:

(A) Distribution of voter education and election information, including, but not limited to, the display of posters and dissemination of individualized written notices about voting rights and procedures provided by the state secretary;

(B) Assisting, not less than 45 days prior to a presidential or state primary or biennial state election, an incarcerated individual in registering to vote, and not less than 30 days prior to a presidential or state primary or biennial state election, providing to each incarcerated individual who may be eligible to vote an application to vote early by mail pursuant to subsection (c) of section 25B and the means to complete the application; provided, that each facility shall ensure an application for an eligible voter to be permitted to vote early by mail be returned in a timely manner for each presidential or state primary or biennial state election. Assistance shall include distributing forms prepared by the state secretary including, but not limited to: (1) ballot applications; (2) voter registration forms; (3) records that may serve as proof of residence for the purpose of voter registration or provide a voter with their last known address, such as intake forms, arrest records, or other forms in the possession of the facility; and (4) voter information packets generated by the state secretary, community groups, or other stakeholders;

(C) Provision for the expeditious and timely receipt and return of early voting by mail ballots by eligible incarcerated voters which may include delivery by mailing the ballots to the appropriate city or town clerk, or through any other secured means of delivery;

(D) Establishment of locations where voters may complete ballots and other paperwork in private;

(E) Means of tracking complaints related to voting or registration, numbers of voters who sought to vote, and the outcome of requests to vote; and

(F) Policies for collaboration with local elections officials, civic engagement community groups, and other stakeholders.

(ii) Display or distribute any informational posters or packets provided by the state secretary pursuant to subsection (c) not later than July 15 of an even-numbered

year, or, if received after that date, immediately upon receipt; provided, that the distribution and announcements of such information shall be continued through the conclusion of any primary and general election.

(iii) Appoint a subordinate officer at the facility to supervise the actions required by this section;

(iv) Not later than 14 days before every presidential and state primary and biennial state election, file a written report with the state secretary, detailing the actions taken under this section, in a form prescribed by the state secretary. The report shall be a public record.

(b) Clauses (i), (ii), and (iv) of subsection (a) shall apply to superintendents or the officer in charge of a facility pursuant to section 35 of chapter 123.

(c) Not later than 90 days prior to a state or presidential primary or election, the state secretary shall create and distribute to sheriffs and superintendents voter information signs and information for display and distribution in facilities. The state secretary shall create and distribute to elections officers information on: (i) the qualifications and rights of eligible incarcerated voters; (ii) regulations detailing the application process and how to process applications in the Voter Registration Information System (VRIS); and (iii) current law pertaining to those rights and processes. The state secretary shall promulgate regulations for the implementation of this section not less than 90 days prior to any state or presidential primary or general election.

The state secretary shall issue a report not less than 6 months following each state or presidential primary and general election, including information on: (i) the number of eligible incarcerated voters at the time of an election in each municipality; (ii) the number of incarcerated voters who requested an early voting by mail or absent ballot and the outcome of that request in each municipality, including the reasons for rejection, if applicable; (iii) the number of incarcerated voters who requested to register to vote and the outcome of those requests in each municipality, including the reason for rejection, if applicable; and (iv) each municipality's policies and practices regarding outreach and enfranchisement of eligible incarcerated voters, if applicable.

SECTION 10A. Said chapter 54 is hereby further amended by inserting after section 91C, as appearing in the 2020 Official Edition, the following section:

Section 91D. (a) Applications arriving from a specially qualified voter as defined in section 1 of chapter 50 or a voter voting early by mail, who is confined in a correctional facility or jail, except if by reason of a felony conviction, who cites their return address as the correctional facility or jail where they are confined, and indicates they do not have an established domicile elsewhere, may elect to maintain that address for voting purposes.

(b) Prior to declining to execute the certificate of early or absent ballot applications submitted by a voter who is confined in a correctional facility or jail, except if by reason of a felony conviction, due to residency for voting purposes or eligibility, an elections officer shall verify the applicant's eligibility status and residence for voting purposes with the facility from which the applicant has applied.

(c) Not later than 30 days before any municipal, state or presidential election, an elections officer shall post on the local election website and report to the state secretary any measures to facilitate voting for eligible incarcerated voters.

(d) An elections officer shall make available by public records request the numbers of: (i) ballot applications received from eligible incarcerated voters; (ii) rejected ballot applications sent by incarcerated persons with the reason for rejection; and (iii) ballots received from eligible incarcerated voters.

SECTION 10B. Chapter 127 of the General Laws, as so appearing, is hereby amended by inserting after section 150 the following 2 sections:

Section 150A. (a) Prior to the expiration of a prisoner's term, the superintendent or administrator of the state or county correctional facility shall, in writing, notify the prisoner whose term is to expire that their voting rights shall be restored upon discharge; provided, that such person's right to vote was suspended while incarcerated pursuant to Article III of the Articles of Amendment of the Constitution. If the person's right to vote was not suspended while incarcerated pursuant to Article III of the Articles of Amendment of the Constitution, the superintendent or administrator of the state or county's correctional facility shall, in writing, notify the prisoner whose term is to expire that their voting rights shall be maintained upon discharge, and that, if the incarcerated person requested or submitted a mail ballot application or ballot, they maintain the right to vote in person so long as their mail ballot has not been processed.

Section 150B. Each superintendent of a state or county correctional facility and each administrator of a county correctional facility shall, on or before the fifteenth day of each month, transmit to the state secretary the a list containing information about: (i) persons convicted of a felony who, during the preceding period, have become ineligible to vote because of their incarceration; (ii) persons convicted of a felony who, during the preceding period, have become eligible to vote because of their discharge from incarceration; and (iii) persons detained pre-trial or convicted of a misdemeanor who are eligible to vote.

The list shall include the following information for each person: (i) name; (ii) date of birth; (iii) the last 4 digits of social security number, or driver's license number, if available; (iv) address on file; (v) whether the person is held pre-trial or serving a misdemeanor and eligible to vote, (vi) the name and address of the jail, prison, or other facility where they are detained; and (vii) race and ethnicity.”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of Ms. Miranda of Boston; and on the roll call 153 members voted in the affirmative and 5 in the negative.

[See [Yea and Nay No. 134](#) in Supplement.]

Therefore the amendments were adopted.

Ms. Sabadosa of Northampton and other members of the House then moved to amend the bill by inserting after section 2 the following section:

“SECTION 2A. Chapter 51 of the Massachusetts General Laws is hereby amended by inserting after section 34 the following section:

Section 34A. (a) An individual who is eligible to vote may register as a voter by appearing in person at the polling place, during the hours it is open for voting, for the precinct in which the individual is a resident, or by appearing in person at an early voting site for the city or town in which the individual is a resident during the hours it is open for voting, by completing an affidavit of registration, by presenting proof of residence, and by making a written oath which shall be as follows: I certify that I: am a citizen of the United States; am at least 18 years old; am not under guardianship that prohibits me from voting; am not temporarily or permanently disqualified by law because of corrupt practices in respect to elections; have not and will not vote in any other location within the commonwealth or elsewhere; and understand that giving false information is a felony punishable by not more than 5 years imprisonment or a fine of not more than \$5,000, or both.

(b) As used in this section, the term ‘proof of residence’ means one of the following, so long as it includes the name of the applicant and the address from which the registrant is registering:

Amendments
adopted,—
yea and nay
No. 134.

(i) a valid photo identification including, but not limited to, a Massachusetts driver's license or other state-issued identification card; or

(ii) other documentation demonstrating the name and address where the registrant is a resident and seeks to register including, but not limited to, a copy of a current utility bill, bank statement, government check, residential lease agreement, wireless telephone statement, paycheck, other government document or correspondence, a current student fee statement or other document from a post-secondary educational institution that verifies the student's current address.

(c) Upon compliance with subsection (a), an election officer shall permit the registrant to vote at that primary or election. Any person who registers to vote under this section shall be registered as a voter at all later primaries and elections, subject to this chapter.

(d) A registrant who fails to present suitable proof of residence shall be permitted to deposit a provisional ballot under section 76C of chapter 54, but shall within 2 business days after the primary or within 6 days after the election present sufficient proof of residence to the city or town clerk.

(e) The registrars may correct information supplied by the registrant to the extent necessary to maintain the integrity of their records. If an affidavit is incomplete or if it appears from the facts set forth in the affidavit that the registrant is not qualified to register as a voter, the registrars shall proceed in accordance with section 47 of chapter 51 of the General Laws.

(f) As soon as practicable after the election, the registrars shall add the registrant's name, address, and effective date of registration to the annual register of voters.

(g) A registered voter shall not change party enrollment at a primary under this section.

(h) Upon credible information or allegation of illegal voter registration, or credible information or allegation of illegal multiple voting, the attorney general or the appropriate district attorney shall investigate the information or allegation. Nothing in this subsection shall exclude enforcement by any means otherwise provided by law.

(i) Violations of this section shall be punished under sections 8, 26 and 27 of chapter 56.”.

Pending the question on adoption of the amendment, Mr. Moran of Boston moved to amend it by adding the following paragraph:

“(j) Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as: (i) the secretary of the commonwealth has analyzed the policy and fiscal impacts to the commonwealth and to each city and town of the commonwealth, including, but not limited to, an analysis showing the impacts on the commonwealth's operating budget, the operating budgets of each city and town of the commonwealth, the adequacy of current staffing levels in the secretary's office and in the offices of each city and town clerk to handle the increased demand and any anticipated change in employment and other collateral consequences to the commonwealth and to every city and town in the commonwealth; (ii) the secretary of the commonwealth has furnished a report of the analysis, including a recommendation on the necessity and advisability of the provisions of this section, to the general court which shall include all the information identified in clause (i); and (iii) legislation necessary to carry out any recommendations has been filed and enacted pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 93 members voted in the affirmative and 64 in the negative.

[See [Yea and Nay No. 135](#) in Supplement.]

Therefore the further amendment was adopted.

The amendment, as amended, then also was adopted.

Subsequently a statement of Mr. LeBoeuf of Worcester was spread upon the records of the House as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that while participating in today's session remotely my phone lost power as the debate over the further amendment concluded. By the time I was able to reconnect my phone to power and have it re-start, the voting window had closed. Unlike the traditional rules, the temporary remote rules do not permit for a for members to vote late on the previous roll call. If I had not experienced this technical problem that impeded my ability to vote, I would have voted in the negative on the question on adoption of the further amendment.

Ms. Elugardo of Boston and other members of the House then moved to amend the bill by adding the following:

"Section 34A. (a) An individual who is eligible to vote may register as a voter by appearing in person at the polling place, during the hours it is open for voting, for the precinct in which the individual is a resident, by completing an affidavit of registration, by presenting proof of residence, and by making a written oath which shall be as follows: I certify that I: am a citizen of the United States; am at least 18 years old; am not under guardianship that prohibits me from voting; am not temporarily or permanently disqualified by law because of corrupt practices in respect to elections; have not and will not vote in any other location within the commonwealth or elsewhere; and understand that giving false information is a felony punishable by not more than 5 years imprisonment or a fine of not more than \$5,000, or both.

(b) As used in this section, the term 'proof of residence' means one of the following, so long as it includes the name of the applicant and the address from which the registrant is registering:

(i) a valid photo identification including, but not limited to, a Massachusetts driver's license or other state-issued identification card; or

(ii) other documentation demonstrating the name and address where the registrant is a resident and seeks to register including, but not limited to, a copy of a current utility bill, bank statement, government check, residential lease agreement, wireless telephone statement, paycheck, other government document or correspondence, a current student fee statement or other documents from a post-secondary educational institution that verifies the student's current address.

(c) Upon compliance with subsection (a), an election officer shall permit the registrant to vote at that primary or election. Any person who registers to vote under this section shall be registered as a voter at all later primaries and elections, subject to this chapter.

(d) A registrant who fails to present suitable proof of residence shall be permitted to deposit a provisional ballot under section 76C of chapter 54, but shall within 2 business days after the primary or within 6 days after the election present sufficient proof of residence to the city or town clerk.

(e) The registrars may correct information supplied by the registrant to the extent necessary to maintain the integrity of their records. If an affidavit is incomplete or if it appears from the facts set forth in the affidavit that the registrant is not qualified to

Further amendment adopted,—yea and nay No. 135.

Statement of Mr. LeBoeuf of Worcester.

register as a voter, the registrars shall proceed in accordance with section 47 of chapter 51 of the General Laws.

(f) As soon as practicable after the election, the registrars shall add the registrant's name, address, and effective date of registration to the annual register of voters.

(g) A registered voter shall not change party enrollment at a primary under this section.

(h) Upon credible information or allegation of illegal voter registration, or credible information or allegation of illegal multiple voting, the attorney general or the appropriate district attorney shall investigate the information or allegation. Nothing in this subsection shall exclude enforcement by any means otherwise provided by law.

(i) Violations of this section shall be punished under sections 8, 26 and 27 of chapter 56.”; and

In section 14, in line 374, by inserting after the date: “December 31, 2022” the following: “Section _ of the bill, relating to Election Day Voter Registration, shall take effect January 1, 2025”.

Mr. Cusack of Braintree thereupon raised a point of order that the amendments offered by the gentelady from Boston was improperly before the House for the reason that the House had already voted to study certain language contained within the amendment that are identical to provisions contained in amendment number 11, as amended.

Point
of order.

The Chair (Mr. Wagner) ruled that the point of order was well taken; and the amendments were laid aside accordingly.

Mr. Durant of Spencer and other members of the House then moved to amend the bill by adding the following section:

“SECTION 15. No city or town shall require proof of vaccination against COVID-19 as a condition to enter a voting location or vote in-person in the commonwealth. No location, either public or private, in which in-person voting is allowed shall require proof of vaccination against COVID-19 as a condition to enter or as a condition to cast a ballot in a municipal, state, or federal election or town meeting.

The commonwealth and all of its agencies, authorities and political subdivisions shall not require proof of vaccination against COVID-19 as a condition for an individual registering to vote.

No city, town or other public or private facility in which an individual can register to vote shall require proof of vaccination against COVID-19 as a condition to enter.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Durant; and on the roll call 31 members voted in the affirmative and 127 in the negative.

[See Yea and Nay No. 136 in Supplement.]

Therefore the amendment was rejected.

Representatives Durant of Spencer and Berthiaume of Spencer then moved to amend the bill by adding the following section:

“SECTION 15. Any location, either public or private, in which in-person voting is allowed for the purpose of casting a ballot or vote in a municipal, state, or federal election or town meeting, and proof of vaccination against COVID-19 is required as a condition to enter such location, each individual shall show suitable identification to demonstrate proof of residence, to the local election officer matching the name listed on the COVID-19 vaccination record or certificate.

Amendment
rejected,—
yea and nay
No. 136.

(a) For purposes of this section, the term ‘proof of residence’ shall mean documentation that includes the name of the applicant and the address from which the applicant is registering and is either:

(i) a valid photo identification including, but not limited to, a driver’s license or other identification card issued by the commonwealth; or

(ii) other documentation demonstrating the name and address where the applicant maintains residence and seeks to register including, but not limited to, a copy of a current utility bill, bank statement, government check, residential lease agreement, wireless telephone statement, paycheck, other government document or correspondence or a current student fee statement or other document from a post.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Durant; and on the roll call 28 members voted in the affirmative and 130 in the negative.

[See Yea and Nay No. 137 in Supplement.]

Therefore the amendment was rejected.

Representatives Dooley of Norfolk, Garry of Dracut and Robertson of Tewksbury then moved to amend the bill by adding the following section:

“SECTION 15. Any balloting software or machine that is used to process early, absentee, or mail in voting prior to election day shall be secured at all times once the processing has begun. At the end of each voting processing period, the machine, software, and all ballots must be secured by a police officer or constable and an election official. Both must secure the machine, software, and all ballots either in a secured vault at the city or town hall or at the police station in a private cell. Regardless of method chosen, the secure location shall remain under video surveillance accessible to the public until the machine, software, and all ballots are retrieved by a police officer or constable and election official for its next use in processing ballots. Whenever the machines, software, or ballots are being transported to or from a polling location once the voting process has begun- said machines, software, and ballots shall be accompanied by a police officer or constable and an election official.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Dooley; and on the roll call 29 members voted in the affirmative and 128 in the negative.

[See Yea and Nay No. 138 in Supplement.]

Therefore the amendment was rejected.

Mr. Frost of Auburn and other members of the House then moved to amend the bill by adding the following five sections:

“SECTION 15. Section 76 of chapter 54 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended, by striking out, in line 2, the words ‘and, if requested’ and inserting in place thereof the following:

valid photo identification issued by the commonwealth of Massachusetts or the government of the United States, as defined in section 76B, and

SECTION 16. Chapter 54 of the General Laws, as so appearing, is hereby amended, by striking out section 76B in its entirety and inserting in place thereof the following section:-

Section 76B. (a) For the purposes of this chapter, ‘valid photo identification’ shall mean a document that: (1) shows the name of the individual to whom the document was issued, and the name conforms to the name of the individual’s voter registration record; (2) shows a photograph of the individual to whom the document was issued; (3) includes an expiration date, and the document is not expired or expired

Amendment
rejected,—
yea and nay
No. 137.

Amendment
rejected,—
yea and nay
No. 138.

after the date of the most recent general election; and (4) was issued by the commonwealth of Massachusetts or the government of the United States.

(b) (1) A person seeking to vote that does not provide sufficient valid photo identification, as defined in subsection (a) of this section, may be challenged under section 85 of this chapter.

(2) A person seeking to vote that does not provide valid photo identification, as defined under subsection (a) of this section, may cast a provisional ballot under section 76C.

(c) Nothing in this section shall be construed to deny the rights of any individual who:

(1) is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. sections 1973ff-1 et seq.;

(2) is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. section 1973ee-1(b)(2); or

(3) is otherwise entitled by federal law to vote otherwise than in person.

SECTION 17. Section 76C of Chapter 54 of the General Laws, as so appearing, is hereby amended by adding, after subsection (k), the following new subsection:

(l) A voter who fails to provide valid photo identification as defined under section 76B and casts a provisional ballot shall be required to provide such identification in person to the city or town clerk, or elections board or commission, of the municipality in which they reside, within 8 business days from the date of the election in which the provisional ballot was cast. A voter who fails to provide such identification in the time specified shall forfeit that vote, and that provisional ballot shall be discarded.

SECTION 18. Section 8E of Chapter 90 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting, at the end of the first paragraph, the following sentence:

The registry shall establish a waiver for indigent persons to obtain an identification card.

SECTION 19. Chapter 90 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting, after section 63, the following new language:

Section 64. (a) The registry of motor vehicles shall establish a definition of ‘indigency’ for the purposes of this chapter and uniform standards and procedures for the determination that: (1) a person is indigent and is unable to afford an identification card; or (2) a person is indigent, but has the ability to pay a reduced fee for an identification card. The definition and standards, and any amendments thereto, shall be used by the registry in determining eligibility for a free identification card. In the formulation of the definition, standards and procedures, the registry shall utilize: (1) the reporting system operated by the commissioner of transitional assistance for the purpose of verifying financial eligibility of participants in state or federally funded programs; (2) the accessibility of income data available from the department of revenue; and (3) verifying material assets through the registry of motor vehicles.

(b) A person claiming indigency under subsection (a) shall execute a waiver authorizing the registrar, or the registrar’s designee, to obtain the person’s wage, tax and asset information from the department of revenue, department of transitional assistance and within the registry of motor vehicles that the registry may find useful in verifying the person’s claim of indigency. The waiver shall authorize the registrar, or the registrar’s designee, to conduct any further reassessment required by this section.

(c) It shall be the responsibility of the registrar to ensure that a person claiming to be indigent meets the definition of indigency under subsection (a). A person seeking an indigency waiver shall be interviewed by the registrar or the registrar's designee prior to the granting of a waiver. The person conducting the interview shall explain to the person seeking the waiver: (1) the definition of indigency; (2) the process used to verify the person's information with other state agencies; and (3) the penalties for misrepresenting financial information in applying for an indigency waiver. The registrar or the registrar's designee conducting the interview shall prepare a written indigency intake report that shall record the results of the interview and state a recommendation on whether or not the person seeking the waiver is indigent. The person seeking the waiver and the registrar or the registrar's designee conducting the interview shall sign the indigency intake report. In signing the report, the person seeking the waiver shall certify under the pains and penalties of perjury that the information contained therein is true and that the person has not concealed any information relevant to the person's financial status. All statements contained in the report shall be deemed material statements. The completed report shall be presented to the registrar who may adopt or reject the recommendations in the report, either in whole or in part."

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Frost; and on the roll call 32 members voted in the affirmative and 126 in the negative.

[See [Yea and Nay No. 139](#) in Supplement.]

Therefore the amendment was rejected.

Ms. Sullivan of Abington and other members of the House then moved to amend the bill by adding the following two sections:

"SECTION 15. Chapter 51 of the General Laws is hereby amended by adding the following section:

Section 67. The state secretary shall issue, upon request and at no cost to the voter, a photo identification card to be used for voting purposes only. Upon determination that a person meets the qualifications of a voter described in section 1, the secretary photograph the voter, and said photograph shall appear on the voting identification card and be a straightforward looking view of the voter without eyeglasses. The identification card shall be clearly marked 'FOR VOTING PURPOSES ONLY.'.

SECTION 16. Chapter 54 of the General Laws is hereby amended by striking out section 76B and inserting in place thereof the following section:

Section 76B. Any person who seeks to vote in a federal, state, local or primary election shall establish their qualification to vote by providing a valid photo identification card, MassHealth card or Medicare card to an election officer prior to voting. Acceptable forms of photo identification shall be a voting identification card issued pursuant to section 67 of chapter 51, current driver's license, government employee identification card, pilot's license, military identification, state identification card issued pursuant to section 8E of chapter 90 or United States passport."

Mr. Day of Stoneham thereupon raised a point of order that the amendment offered by the gentlelady from Abington was improperly before the House for the reason that the House had already rejected amendment number 7 offered by Mr. Frost of Auburn that contained language requiring proof of a valid photo identification as a requirement for voting.

The Chair (Mr. Wagner) ruled that the point of order was well taken; and the amendment was laid aside accordingly.

Amendment
rejected,—
yea and nay
No. 139.

Point
of order.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by adding the following section:

“SECTION 15. The state secretary shall maintain an updated list of all Massachusetts voters who have either requested or submitted a ballot for any municipal, state or federal primary or general election, and shall make this list available upon request to all major political parties of the Commonwealth on an ongoing basis at least every two days.”.

The amendment was rejected.

Representatives Dooley of Norfolk and Robertson of Tewksbury then moved to amend the bill by adding the following section:

“SECTION 15. Section 65 of chapter 54 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the third paragraph the following paragraph: On any day during the early voting period that votes are being cast for an election of state or city officers, and of town officers in towns where official ballots are used, or on any day that a location is accepting in-person absentee voting or submissions of absentee ballots for such election, no person shall: (i) solicit votes for or against or to promote or oppose any person, political party, or position on a ballot question to be voted on at such election; (ii) collect signatures upon petitions, referendum petitions or nomination papers; or (iii) post, circulate or distribute pasters, commonly called stickers, posters, cards, handbills, placards, pictures or other circulars intended to influence the action of the voter in the building where an early voting location or location for in-person absentee voting or submission of absentee ballots is located, on the walls thereof, on the premises on which the building stands, or within 50 feet of the building entrance door to the early voting location or the location for in-person absentee voting or submission of absentee ballots.”.

The amendment was rejected.

The same members then moved to amend the bill by adding the following section:

“SECTION 15. Chapter 54 of the General Laws, is hereby amended by adding the following section:

Section X (a) The state secretary shall provide for a program to allow cities and towns to implement a voter ‘speed pass’ system in addition to the manual system currently used by cities and towns. The purpose of the program shall be to reduce wait times for voters at polling places. The program shall allow voter information to be electronically scanned in order to check-in and check-out of the polling location.

(b) The program shall use software approved by the state secretary. The software shall meet the highest security ratings available. The program shall utilize an electronic poll book, if available to the city or town, to verify voter information. The verification shall be directly uploaded back into the commonwealth’s voter registration information system, in addition to the manual system that is currently in place.

(c) At no time shall this device be able to be accessed via a wireless device or a remote facility. The only transfer of data that shall be done will be securely done at the City or Town Clerk’s office with a device approved by the Secretary of the Commonwealth. The Clerk shall follow all security protocols as set forth by the Secretary of the Commonwealth.”.

The amendment was rejected.

Representatives Dooley of Norfolk, Garry of Dracut and Robertson of Tewksbury then moved to amend the bill by adding the following section:

“SECTION 15. Any voter who registers to vote shall do so at minimum three (3) days prior to casting a ballot and/or having a ballot mailed to their place of residence.

During this period, the election official(s) shall check state and national databases to ensure that said individual has not previously cast a ballot for said election in question. Further, said person shall be immediately removed from other municipalities database prior to allowing their vote to be cast. If this is not able to be done in a timely manner, the voter's ballot must remain sealed and segregated as a provisional ballot until resolution by board of registrars.”.

The amendment was rejected.

The same members then moved to amend the bill by adding the following section:

“SECTION 15. Any person who has registered to vote on line must present themselves with an approved government issued photo identification prior to being able to request an absentee ballot or any form of early voting ballot be it in person or via the mail.”.

The amendment rejected.

Representatives Dooley of Norfolk, Garry of Dracut and Robertson of Tewksbury then moved to amend the bill by adding the following section:

“SECTION 15. In instances where a ballot requested to be mailed, is generated by the voter on line or by another electronic method, the address to which the ballot is being sent must be the address of record of the voter unless the voter can produce a scan or picture of their signature than can be verified by the election official. In instances where this request is being made via mail, the election official shall verify that the signature matches the voter registration card. In instances where an immediate family member is requesting an absentee ballot being mailed to a family member, the election official shall make best efforts to ascertain that this is a legitimate request.”.

The amendment was rejected.

Representatives Dooley of Norfolk and Garry of Dracut then moved to amend the bill by adding the following section:

“SECTION 15. All ballots that are cast by mail, be it as early voting or absentee voting, prior to election day shall be returned in an envelope that carries a bar code that confirms the identity of the person casting the internal ballot. In addition, a signature of the person casting the ballot shall be on this envelope as well. Below the signature line a statement that the person signing is the person listed and that voter fraud is a crime under Massachusetts General Law and penalties for fraudulently voting include up to 5 year's imprisonment and/or a fine up to \$10,000. This signature may be compared to the voter registration card of the person casting a vote by an election official in order to authenticate that the ballot was cast by the person who requested said ballot. In the event that the signature is not considered a match, the election official must segregate this ballot (unopened) and the envelope used to mail the ballot (if applicable) and store with the provisional ballots to be processed after the election by the board of registrars.”.

The amendment was rejected.

Representatives Dooley of Norfolk, Garry of Dracut and Robertson of Tewksbury then moved to amend the bill by adding the following section:

“SECTION 15. Any election related technology once programmed for a specific election -including, but not limited to, data cards, scanners, or anything that aids in the processing of the tabulation of ballots - must be held in a secure location and shall only be accessed by two members of the board of electors, provided that the two members are not of the same political party, or this technology may be accessed by the chief election official as witnessed by a constable or police officer of the city/town holding said election.”.

The amendment was rejected.

Representatives Dooley of Norfolk and Garry of Dracut then moved to amend the bill by adding the following section:

“SECTION 15. Processing any votes prior to election day must be done in a public location at a date and time set forth by a public vote of the board of registrars and should be posted no later than seven (7) days prior to the processing of any ballots. This date(s) and time(s) must be posted in accordance with the Massachusetts open meeting law.”.

The amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by adding the following section:

“SECTION 15. No later than 30 days after any primary or general election, the state secretary shall submit a report detailing (1) the number of ballot applications mailed out for said election; (2) the number of ballot applications that were returned as undeliverable; and (3) a description of the reasons why each ballot was returned, including but not limited to, a change of address or the intended recipient being deceased. Said report shall be submitted to the Clerks of the House and the Senate and to the Joint Committee on Election Laws.”.

The amendment was adopted.

Mr. Cabral of New Bedford and other members of the House then moved to amend the bill by adding the following section:

“SECTION 16. Section 33A of chapter 51 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following sentence:

The state secretary shall post the electronic document in English, Spanish, Portuguese, and Chinese (Mandarin and Cantonese), and in such additional languages as the state secretary deems necessary or as required by law.”.

The amendment was adopted.

On the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Ryan of Boston; and on the roll call 124 members voted in the affirmative and 34 in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 140.

[See [Yea and Nay No. 140](#) in Supplement.]

Therefore the bill (Senate, No. 2554, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House [for text of amendment, see House document numbered 4367].

Order.

On motion of Mr. Mariano of Quincy,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Next
sitting.

At six minutes after nine o'clock P.M., on motion of Mr. Jones of North Reading (Mr. Wagner of Chicopee being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.